

REMARKS

Claims 1, 2, 4-12, 14, 16, 18, 20, and 22-41 are pending in this application. Claims 1, 5, 7, 23, and 33 have been amended. Claim 3 has been cancelled.

In the Office Action, claims 1-12, 14, 16 18, 20, and 22-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kodama. This rejection is respectfully traversed. Applicant hereby requests reconsideration and allowance of the claims in view of the following arguments.

Regarding the obviousness rejection of independent claim 1 based on Kodama, claim 1 has been amended to incorporate the limitations of original dependent claim 3, which has consequently been cancelled. Dependent claims 5, 7, 23 and 33, which originally depended from claim 3, have consequently been amended to depend from claim 1. Care has been taken to avoid the introduction of new matter. These amendments should be entered, since they do not raise any new issues. Thus, amended claim 1 recites a display means which displays, *inter alia*, data about the determined estimation accuracy, the data about the estimation accuracy being a probability that the physical conditions appearing in a monthly cycle of the female actually appear at the estimated times of appearance.

Despite contentions to the contrary in the Office Action, Kodama does not disclose or suggest the display means of amended claim 1, because it does not teach or suggest displaying the probability that physical conditions appearing in a monthly cycle of the female will actually appear at the estimated times of appearance. As explained in Applicant's prior response, Kodama only displays the appearance of the physical conditions, not the *probability* of the conditions actually appearing as Kodama predicts.

It is contended at paragraph 7 of the latest Office Action that Kodama discloses the recited display means for displaying probability at col. 6:50-52. Applicant disagrees, because there is no support in Kodama for this contention. The cited passage of Kodama merely

describes that “[t]he display device 42 is capable of showing the measured BI curve, the determined monthly physiological condition, and so forth on its display screen 42a.” There is no mention of displaying probability, as required by amended claim 1. The Examiner seems to be equating Kodama’s disclosure of determining the accuracy of its predictions to the recited probability that the physical conditions appearing in a monthly cycle actually appear at the estimated times of appearance. However, there is no logical basis for equating these two concepts. Displaying “accuracy” and displaying “probability that the physical conditions appearing will actually appear at the estimated times of appearance” are simply not the same things. The Examiner is improperly ignoring the claim language specifying what the claimed display unit displays.

Since Kodama does not teach or even suggest the claimed display means of amended claim 1 which displays, *inter alia*, data about the determined estimation accuracy as a probability that the physical conditions appearing in a monthly cycle of the female will actually appear at the estimated times of appearance, Kodama cannot render amended claim 1 obvious.

Consequently, amended independent claim 1 is patentable, as are claims 2, 4-12, 14, 16, 18, 20, and 22-41, which depend from claim 1.

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant’s attorney at the telephone number shown below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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